

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

<b>KEITH RUSSELL JUDD,</b>	)	
	)	
<b>Movant,</b>	)	
	)	
<b>v.</b>	)	<b>No. 4:05CV758 (JCH)</b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent.</b>	)	

**MEMORANDUM AND ORDER**

This matter is before the Court upon petitioner's motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255, and an "independent action" under Rule 60(b) of the Federal Rules of Civil Procedure [Doc. #1].

**The motion**

Petitioner challenges the validity of his conviction and sentence on federal charges in the United States District Court for the Western District of Texas. Petitioner is currently confined in a federal prison in Pennsylvania.

**Discussion**

Movant's motion to vacate, set aside or correct sentence pursuant to § 2255 must be dismissed for lack of jurisdiction. Movant was neither convicted in this Court nor is he incarcerated within the jurisdiction of this Court. Consequently, this Court lacks jurisdiction to address any habeas corpus action challenging the validity of movant's conviction -

whether brought pursuant to 28 U.S.C. § 2255 or 28 U.S.C. § 2241. The Court also finds no ground upon which Fed. R. Civ. P. 60(b) provides any jurisdiction for this Court to overturn a federal criminal judgment entered by the Western District of Texas. See Judd v. United States of America, 2005 WL 1205812 (W.D. Va. May 19, 2005). Because it appears that movant has engaged in a pattern of frivolous litigation concerning his conviction and sentence, Id., movant is warned that his future submission of frivolous motions or petitions in this Court seeking relief from his Texas conviction or sentence will result in the imposition of sanctions against him.

In accordance with the foregoing,

**IT IS HEREBY ORDERED** that movant's motion to vacate, set aside or correct sentence [Doc. #1] is **DISMISSED** for lack of jurisdiction.

**IT IS FURTHER ORDERED** that movant's "independent action" pursuant to Fed. R. Civ. P. 60(b) [Doc. #1] is **DISMISSED** for lack of jurisdiction.

Dated this 27th day of June, 2005.

/s/ Jean C. Hamilton  
**UNITED STATES DISTRICT JUDGE**